

SENATE BILL REPORT

SB 5801

As of February 16, 2009

Title: An act relating to basic education allocations for tribal schools.

Brief Description: Regarding basic education allocations for tribal schools.

Sponsors: Senators Kauffman, Jarrett, Sheldon, Shin and McDermott.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/12/09.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Juliana Roe (786-7438)

Background: Under current law, basic education allocation funds made available by the Legislature for use by the common schools must be distributed annually by the Office of Superintendent of Public Instruction (OSPI) to each school district of the state operating a program approved by the State Board of Education in an amount that will constitute a basic education allocation in dollars for each annual average full time equivalent student enrolled. A "school district" means the territory under the jurisdiction of a single governing board designated and referred to as the board of directors. Tribal schools are not considered school districts. Tribal schools that want state funds may contract with a local school district in order to receive such funds. The school district must report to OSPI the number of students it serves, including students from tribal schools with which it contracts. State funds are then submitted to the local school district, which in turn provides payment to the tribal school with which it contracts.

Summary of Bill: Basic education allocations generated for students enrolled in federally-recognized Indian tribe tribal schools must be allocated by OSPI to the serving tribe rather than the school district. OSPI must enter into an agreement with the serving tribe before any direct allocation can be made in order to assure compliance with all applicable state and federal laws and be consistent with the requirements imposed by OSPI on school districts. A tribe may choose to continue to receive allocations through the school district pursuant to an interlocal agreement with the district.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Requested on January 30, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is intended to provide streamlining and equity for funds to be allocated to tribal schools. There are questions that have been raised that are currently being worked on. This can further the goal of leading a working, respectful relationship between the state and tribes.

CON: Tribal schools are not public schools. Therefore, they are not eligible to receive funds directly from OSPI.

Persons Testifying: PRO: Senator Kauffman, prime sponsor; Karen Condon, Miguel Perez-Gibson, Colville Tribes.

CON: Barbara Mertens, Washington Association of School Administrators.